

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Access Charge Reform)	CC Docket No. 96-262
)	
)	
Reform of Access Charges Imposed by)	
Competitive Local Exchange Carriers)	

**COMMENTS
of the
ORGANIZATION FOR THE PROMOTION AND ADVANCEMENT
OF SMALL TELECOMMUNICATIONS COMPANIES**

I. Introduction

The Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) hereby files these comments in the above-noted proceeding.¹

OPASTCO is a national trade association representing over 500 independently owned and operated telephone companies serving rural areas of the United States. Its members, which include both commercial companies and cooperatives, together serve over 2.5 million customers. All of OPASTCO's members are rural telephone companies as defined in 47 U.S.C. §153(37).

Approximately one third of OPASTCO's members presently operate competitive local

¹ *Access Charge Reform; Reform of Access Charges Imposed by Competitive Local Exchange Carriers*, Seventh Report & Order and Further Notice of Proposed Rulemaking, CC Docket No. 96-262, FCC 01-146 (rel. OPASTCO Comments July 20, 2001)

exchange carriers (CLECs). Typically, these carriers pursue an “edge out” strategy from their incumbent territories into the neighboring rural areas of large incumbent local exchange carriers (ILECs). Thus, these small, rural CLECs serve the public interest, as well as the pro-competitive goals of Congress and the Commission, by providing an alternative for rural customers in other service areas who may not be receiving high quality, modern service from their incumbent provider.

II. Comments

OPASTCO opposes AT&T’s proposal to immediately move the benchmark for CLEC 8YY toll-free traffic to the “access rate of the competing ILEC and that CLECs should be mandatorily detariffed above that point.”² There is no basis for such an action in the case of rural CLECs, which often experience higher operating costs compared to the competing ILEC. In recognition of this fact, the Commission adopted a separate rural benchmark allowing rural CLECs competing with non-rural ILECs to charge access rates above those charged by the competing ILEC.³ Adjusting access rates as proposed by AT&T would needlessly harm rural CLECs and their customers.

The FNPRM states, “AT&T estimates that approximately 30% of its CLEC access traffic is generated by 8YY aggregators that, it speculates, have revenue-sharing agreements with their end-user subscribers.”⁴ The key word is *speculates*. If there are specific instances

April 27, 2001)(Order, FNPRM).

² FNPRM, para. 98.

³ Order, paras. 65 - 81.

⁴ FNPRM, para. 100 (citation omitted).

of inappropriate charges or unreasonable practices, existing mechanisms can and should be invoked.⁵ Toll-free charges should not undergo widespread, inappropriate adjustments based upon unsubstantiated suspicions. The proposal is unnecessary and harmful, particularly to rural CLECs, because the reduced access rates would not be reflective of rural CLECs' higher costs, vis-à-vis a competing non-rural ILEC.

III. Conclusion

Forcing small, rural CLECs to charge rates that bear no relation to their costs will only harm small competitors and consumers. In the event that access charges are adjusted as proposed, rural CLECs should be exempted.

Respectfully submitted,

**THE ORGANIZATION FOR THE PROMOTION AND
ADVANCEMENT OF SMALL
TELECOMMUNICATIONS COMPANIES**

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⁵ *Id.*, para. 99.

CERTIFICATE OF SERVICE

I, Tiffany N. Belk, hereby certify that a copy of the comments by the Organization for the Promotion and Advancement of Small Telecommunications Companies was either hand-delivered or sent by first class United States mail, postage prepaid, on this, the 20th day of July, 2001, to those listed on the attached sheet.

/s/ Tiffany N. Belk

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